

SENATE BILL No. 162

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-6-1-7.

Synopsis: Approval of railroad grade crossings. Removes a provision that exempts a railroad from obtaining the permission of the Indiana department of transportation to construct a railroad grade crossing if the railroad has secured its rights-of-way or has begun construction.

Effective: July 1, 2003.

Riegsecker

January 7, 2003, read first time and referred to Committee on Transportation and Homeland Security.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 162

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-6-1-7 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) Whenever the department
3 finds it best to relocate or to consolidate highway crossings over
4 railroads in this state, it has jurisdiction for that purpose, and may serve
5 the board of county commissioners and the railroad companies with
6 notice, and shall proceed to hear and determine said matters, and
7 thereupon make such orders as, in the opinion of the department, are
8 necessary to make the said relocation or consolidation effective. Such
9 orders shall be binding upon the parties so served with the notice, and
10 if not observed by them within the time prescribed in said orders, the
11 department shall proceed as provided in section 4 of this chapter to
12 enforce such orders.

13 (b) Whenever it shall be desired to establish or extend a highway at
14 grade over any railroad in this state, it shall be necessary, before
15 establishing or extending the highway, that the petitioners shall, by a
16 procedure to be prescribed by the department, petition to obtain the
17 authority of the department under IC 8-6-7.7-3.4. The grant or refusal



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1 of authority therefor by the department shall be final and conclusive
2 except as provided in this chapter.

3 (c) Whenever it shall be desired by any railroad company to
4 construct a new railroad at grade over any public highway or highways
5 in this state, it shall be necessary for a company, by a procedure to be
6 prescribed by the department, to petition to obtain the authority of the
7 department under IC 8-6-7.7-3.4. ~~but it shall not be necessary to obtain~~
8 ~~such authority when such new railroad has secured its rights of way or~~
9 ~~is under construction.~~ The grant or refusal of such authority shall be
10 final and conclusive, except as provided in this chapter. Nothing herein
11 shall prevent the department from subsequently altering or rescinding
12 any grant or refusal of authority to construct such highway or railway,
13 if, in its discretion, such alteration should be made.

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